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FEE TRANSMITTAL <i>Note: Effective October 1, 1997. Patent fees are subject to annual revision.</i>	Complete if Known	
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	Group Art Unit	
	Examiner Name	
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ADDITIONAL FEES <table border="1"><thead><tr><th>Large Entity Fee Code (\$)</th><th>Small Entity Fee Code (\$)</th><th>Fee Description</th><th>Fee Paid</th></tr></thead><tbody><tr><td>105 130</td><td>205 65</td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>127 50</td><td>227 25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr><tr><td>139 130</td><td>139 130</td><td>Non-English specification</td><td></td></tr><tr><td>147 2,520</td><td>147 2,520</td><td>For filing a request for reexamination</td><td></td></tr><tr><td>112 920*</td><td>112 920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>113 1,840*</td><td>113 1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>115 110</td><td>215 55</td><td>Extension for reply within first month</td><td></td></tr><tr><td>116 400</td><td>216 200</td><td>Extension for reply within second month</td><td></td></tr><tr><td>117 950</td><td>217 475</td><td>Extension for reply within third month</td><td></td></tr><tr><td>118 1,510</td><td>218 755</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>128 2,060</td><td>228 1,030</td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>119 310</td><td>219 155</td><td>Notice of Appeal</td><td></td></tr><tr><td>120 310</td><td>220 155</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>121 270</td><td>221 135</td><td>Request for oral hearing</td><td></td></tr><tr><td>138 1,510</td><td>138 1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>140 110</td><td>240 55</td><td>Petition to revive - unavoidable</td><td></td></tr><tr><td>141 1,320</td><td>241 660</td><td>Petition to revive - unintentional</td><td></td></tr><tr><td>142 1,320</td><td>242 660</td><td>Utility issue fee (or reissue)</td><td></td></tr><tr><td>143 450</td><td>243 225</td><td>Design issue fee</td><td></td></tr><tr><td>144 670</td><td>244 335</td><td>Plant issue fee</td><td></td></tr><tr><td>122 130</td><td>122 130</td><td>Petitions to the Commissioner</td><td></td></tr><tr><td>123 50</td><td>123 50</td><td>Petitions related to provisional applications</td><td></td></tr><tr><td>126 240</td><td>126 240</td><td>Submission of Information Disclosure Stmt</td><td></td></tr><tr><td>581 40</td><td>581 40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr><tr><td>146 790</td><td>246 395</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr><tr><td>149 790</td><td>249 395</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr><tr><td colspan="3">Other fee (specify) <u>Assignment Fee</u></td><td>40.00</td></tr><tr><td colspan="3">Other fee (specify) _____</td><td></td></tr><tr><td colspan="3">* Reduced by Basic Filing Fee Paid</td><td></td></tr><tr><td colspan="3">SUBTOTAL (3) (\$)</td><td></td></tr></tbody></table>	Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	105 130	205 65	Surcharge - late filing fee or oath		127 50	227 25	Surcharge - late provisional filing fee or cover sheet.		139 130	139 130	Non-English specification		147 2,520	147 2,520	For filing a request for reexamination		112 920*	112 920*	Requesting publication of SIR prior to Examiner action		113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action		115 110	215 55	Extension for reply within first month		116 400	216 200	Extension for reply within second month		117 950	217 475	Extension for reply within third month		118 1,510	218 755	Extension for reply within fourth month		128 2,060	228 1,030	Extension for reply within fifth month		119 310	219 155	Notice of Appeal		120 310	220 155	Filing a brief in support of an appeal		121 270	221 135	Request for oral hearing		138 1,510	138 1,510	Petition to institute a public use proceeding		140 110	240 55	Petition to revive - unavoidable		141 1,320	241 660	Petition to revive - unintentional		142 1,320	242 660	Utility issue fee (or reissue)		143 450	243 225	Design issue fee		144 670	244 335	Plant issue fee		122 130	122 130	Petitions to the Commissioner		123 50	123 50	Petitions related to provisional applications		126 240	126 240	Submission of Information Disclosure Stmt		581 40	581 40	Recording each patent assignment per property (times number of properties)		146 790	246 395	Filing a submission after final rejection (37 CFR 1.129(a))		149 790	249 395	For each additional invention to be examined (37 CFR 1.129(b))		Other fee (specify) <u>Assignment Fee</u>			40.00	Other fee (specify) _____				* Reduced by Basic Filing Fee Paid				SUBTOTAL (3) (\$)			
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Application of: David S. Allen, Richard Joswick, Paul Clifford, Roy A. Gonzalez and Paul
J. Rusyniak
For: Multiple Purpose Pocket Tool

Background of the Invention

The present invention generally relates to multi-purpose pocket tools, and more particularly, to such tools wherein a plurality of tools and blades are mounted for pivotal movement into and out of a housing.

Traditionally, tools such as knives, screwdrivers, files and the like were independently carried in a tool box, thereby making it inconvenient for an individual to carry the tools at all times. In order to provide individuals with a plurality of functional tools that were easily transported, pocket size tools having a variety of elongated tools attached to a single housing in which they may be stored when not in use were developed. Examples of such types of multi-purpose pocket tools can be readily seen in U.S. Patent Nos. 3,875,600 to Reveaux; 758,928 to McGrath; 5,450,774 to Chang; 5,553,340 to Brown, Jr.; 149,806 to Swan; 1,187,842 to Kaas; 2,327,090 to Berg; 97,154 to Barnard et al.; and 5,617,597 to Reitz. Additional multi-purpose tools which collapse down to an easily transportable size have been developed by the Leatherman Tool Group of Portland, Oregon and are exemplified in U.S. Patent Nos. 4,238,862; 4,744,272; and 4,888,869.

While each of the above listed patents discloses a functional, multi-purpose tool that may be carried by an individual at all times, not all of the referenced apparatus can be safely used. Each of the prior art apparatus include tools that are not securely locked in both their operable and inoperable positions. Therefore, it is possible that an individual using a particular tool on a

prior art device will be injured due to the unexpected opening and/or closing of any of the tools comprising the device.

It is therefore a principal object and advantage of the present invention to provide a multi-purpose, pocket tool that includes improved mechanisms for securely locking the ancillary tools pivotally attached to a housing in both their operable (terminal open) and inoperable (terminal closed) positions.

It is an additional object and advantage of the present invention to provide a cover plate pivotally attached to a housing which separates those ancillary tools in their inoperable position from an ancillary tool in its operable position.

Other objects and advantages of the present invention will in part be obvious and in part appear hereinafter.

Summary of the Invention

In accordance with the foregoing objects and advantages, the present invention provides a multi-purpose pocket tool. The tool generally includes an elongated housing having a plurality of tools pivotally attached to one end thereof, and a cover plate pivotally attached to its opposite end. Each of the tools performs a different function, thereby giving the tool its versatility.

Each of the tools is independently, pivotally movable into and out of the housing with the cover plate being selectively pivotal between terminal open and closed positions, whereby access to the tools positioned within the housing is either permitted or denied, respectively. The cover plate includes a flange extending downwardly from its distal end which, when in its terminally closed position, engages cooperatively positioned notches formed transversely across both the bottom and top edges of each of the ancillary tools, adjacent their proximal ends. Accordingly,

the flange will engage one of the two notches formed in each of the tools regardless of whether the tools are in a terminally open or terminally closed position. When using one of the ancillary tools, the secure closure of the cover plate prohibits other tools from accidentally moving out of the housing, and also prevents dust or other debris, produced as a result of a tool's operation, from entering the housing.

An additional safety feature of the present invention is the locking of the cover plate in either its terminally open or closed position. A protrusion is formed on the inwardly facing surface of one of the cover plate's sidewalls, adjacent the proximal end thereof, and a pair of holes having diameters slightly larger than the protrusion are formed through the corresponding sidewall of the housing. The holes are positioned such that one or the other will be engaged by the protrusion when the cover plate is positioned in either of its terminally open or closed positions. In order to reduce the erosion of the protrusion as the cover plate is continually moved between its terminal positions, the positioning of the protrusion is such that it becomes entirely disassociated from the housing when not engaged with one of the holes. Consequently, the only friction realized by the protrusion occurs at the moment when it engages or disengages one of the holes.

In addition to the plurality of different functioning tools and the safety features associated with their operation, the cover plate includes tools incorporated directly into the structure thereof. The planar top surface of the cover plate includes a plurality of different sized hexagonal openings formed therethrough, each one of which may operably engage a correspondingly sized hex-head nut. In addition, the opposing sidewalls of the cover plate include corresponding portions cut away therefrom to form a bottle cap opener. Accordingly, by placing the cover plate

in its terminally open position it becomes locked via the protrusion engaging the corresponding hole formed through the housing, and it may be effectively and safely used to loosen or tighten hex-head nuts, or to remove a bottle cap.

Brief Description of the Drawings

5 The foregoing and other features of the present invention will be more readily understood and fully appreciated from the following Detailed Description, taken in conjunction with the accompanying drawings, wherein:

Figure 1 is a side elevational view of the present invention showing the device with the tools in their terminally closed positions;

10 **Figure 2** is a side elevational view of the present invention showing the device with each of the tools in various positions all of which are between their terminally open and closed positions;

Figure 3 is an exploded perspective of the present invention;

15 **Figure 4** is a top plan view of the present invention with both the cover plate and tools in their terminally closed positions;

Figure 5 is a side elevational view of the present invention as it appears in Figure 4;

Figure 6 is a bottom plan view of the present invention as it appears in Figure 4; and

Figure 7 is a cross-sectional view taken along lines 7-7 of Figure 4.

DETAILED DESCRIPTION

Referring now to the drawings, wherein like reference numerals refer to like parts throughout, there is seen in Fig.'s 1-7 a multi-purpose device, designated generally by reference numeral 10. Device 10 includes a longitudinal axis X-X and is broadly comprised of an elongated housing 12, a plurality of ancillary tools, collectively and generally designated by reference numeral 14, pivotally attached to the front end of housing 12 for movement between terminal open and closed positions, and an elongated cover plate 16 pivotally attached to the opposite end (the rear-end) of housing 12 for movement between terminal open and closed positions. Each of tools 14 may be independently and selectively moved between its terminal open and closed positions, thereby permitting a user of device 10 to effectively and operably utilize device 10.

Housing 12 includes a planar bottom wall 18, a pair of sidewalls 20 and 22 extending integrally and perpendicularly upwardly from the side edges of bottom plate 18, and a rear wall 24 which extends integrally and perpendicularly upwardly from the rear edge of bottom wall 18. Rear wall 24 includes a hood 26 which extends perpendicularly outwardly therefrom and which lies in a plane that is co-planar to the top edges of sidewalls 20 and 22, and is in spaced, parallel relation to bottom wall 18.

Sidewalls 20 and 22 include holes 28 and 30, respectively, formed therethrough, adjacent the rear end thereof, and holes 32 and 34, respectively, formed therethrough, adjacent the front end thereof. Holes 28 and 30 receive a pivot pin 36 therethrough which serves as the attachment between cover plate 16 and housing 12; and holes 32 and 34 receive a pivot pin 38 therethrough which serves as the attachment between tools 14 and housing 12.

Tools 14 include, in successive order, a knife blade 40, a file 42, a pair of scissors 44, a Phillips head screwdriver 46, a flat-head screwdriver 48, a pick 50, and tweezers 52. Each of tools 14 includes a hole, all of which will be commonly designated by reference numeral 54, formed therethrough, adjacent their proximal ends. Tools 14 are positioned within housing 12 such that pivot pin 38 extends through sidewall holes 32 and 34, as well as each of holes 54. A rivet 56, or other suitable fastener is fixedly secured to the blunt end of pin 38 to ensure that it does not slide out from any of holes 32, 34 or 54.

To ensure that tools 14 positioned adjacent sidewalls 20 and 22, namely, tweezers 52 and knife blade 40, respectively, do not rub against sidewalls 20 and 22 when being moved relative to one another, a pair of spacer members 58 and 60, respectively, are positioned therebetween. Spacer 58 includes an identical spacer 58' fixedly attached thereto in order to double the effective thickness of the space created between sidewall 20 and tweezers 52. This extra space is necessary, in part, to compensate for tweezers 52, which have an effective width greater than the width of spacer 58, and, in part, to provide a secure anchor for a key ring 62 which passes through corresponding holes 64, 64' formed through a portion of spacers 58, 58', respectively, which extend outside the confines of housing 12. Spacers 58, 58' and 60 also each include holes 66, 66' and 68, respectively, formed through portions thereof which are positioned within housing 12, and through which pivot pin 38 extends, thereby securely retaining spacers 58, 58' and 60 to housing 12.

Each of tools 14 and spacers 58, 58' and 60 include a pair of slots 70 and 72 formed entirely across the top and bottom edges, respectively, thereof, adjacent their proximal ends. When tools 14 are in their terminal open or closed positions, slots 70 and 72 extend along a

common axis Y-Y (see Fig. 4) which extends transverse to axis X-X. Slots 70 and 72 provide, in part, a means for locking tools 14 in either their terminal open or closed positions, as will be further explained hereinafter.

Cover plate 16 includes a planer, top wall 74 having a plurality of differently sized hexagonal openings, commonly designated by reference numeral 76, formed therethrough, a flange 78 extending perpendicularly downwardly from its leading edge, and a pair of sidewalls 80 and 82 extending integrally and perpendicularly downwardly from its side edges. Sidewalls 80 and 82 are separated by a distance slightly greater than the distance separating sidewalls 20 and 22, thereby permitting sidewalls 80 and 82 to be positioned outside of housing 12 when cover plate 16 is in the terminally closed position. Sidewalls 80 and 82 further include ears 84 and 86, respectively, formed adjacent its proximal end. Ears 84 and 86 include holes 88 and 90, respectively, formed therethrough. Cover plate 16 is attached to housing 12 by pivot pin 36 extending through concentrically aligned holes 28, 30 (through sidewalls 20 and 22) and 88, 90 (through sidewalls 80 and 82), and having a rivet 92, or other suitable fastener, fixedly secured to the blunt end of pivot pin 36.

Sidewalls 80 and 82 further include corresponding extension 94 and 96, respectively, which define U-shaped recesses 98 and 100, respectively. Extensions 94 and 96, together with recesses 98 and 100 form a bottle cap opener which may be effectively used to remove a metal cap from a conventional "soda" bottle.

An additional element present on cover plate 16 is the presence of a single protrusion 102 formed on the inwardly facing surface of ear 84, adjacent hole 88. When cover plate 16 is positioned in either its terminal open or closed positions, protrusion 102 will securely engage an

aperture 104 or 106, respectively, formed through sidewall 20 of housing 12. By protrusion 102 engaging either aperture 104 or 106, cover plate 16 will be securely locked in either its terminal open or closed position, respectively, thereby diminishing the possibility of cover plate 16 accidentally opening or closing. As cover plate 16 is moved between its terminally open and closed positions, protrusion 102 will become disengaged from aperture 102 and travel in a path disassociated from sidewall 20 before engaging aperture 104 and locking cover plate 16 in its terminally closed position.

In order to ensure that tools 14 do not accidentally move between their terminal open (operable) and terminal closed (inoperable) positions, cover plate 16 should be positioned in its terminal closed position. When in this position, flange 78 will operably engage slot 70 of the terminally open tool 14 and slots 72 of the terminally closed tools 14. In use, therefore, typically only one of tools 14 will be in its terminally open position, while the remainder of tools 14 are in their terminally closed positions, and cover plate 14 will be terminally closed with flange 78 engaging slot 70 and slots 72, thereby locking the tools in their set positions. In order to close the opened tool 14, cover plate 16 can be moved to its terminal open position (with protrusion 102 engaging aperture 104 to lock it in place) and tool 14 may be pivoted to its terminally closed position. Cover plate 16 may then be closed with flange 78 engaging slots 72 and protrusion 102 engaging aperture 106.

Although the invention has been described in connection with the preferred embodiment, those skilled in the art may make changes to certain fixtures without departing from the spirit and scope of the invention as defined in the appended claims.

What is claimed is:

1. A multiple purpose pocket tool, comprising:

a) an elongated housing having a longitudinal axis, first and second opposite ends, first and second sidewalls positioned in spaced, parallel relation to one another and bridged by a planar wall extending perpendicularly thereacross, and an end wall extending across said first end, said first and second sidewalls, planar wall and end wall together defining an internal cavity, said first sidewall including first and second apertures formed therethrough adjacent to said first end;

b) a plurality of elongated tools each having first proximal and distal ends, top and bottom edges, and first and second slots formed transversely across each of said top and bottom edges, respectively, adjacent said first proximal ends, said ancillary tools being pivotally attached to said second end of said housing at said first proximal ends for selective, independent movement between terminal open and closed positions;

c) an elongated cover plate having second proximal and distal ends, third and fourth sidewalls positioned in spaced, parallel reaction to one another and bridged by a second planar wall, said second planar wall including a flange extending downwardly from said second distal end thereof, said third sidewall including an inwardly facing protrusion formed thereon, adjacent said second proximal end, said cover plate being pivotally attached to said first end of said housing for selective movement between terminal open and closed positions;

d) means for locking said cover plate in its said terminal open position; and

e) means for locking said cover plate in its said terminal closed position.

Abstract

A multiple purpose pocket tool having an elongated housing defining an open cavity, a plurality of elongated ancillary tools pivotally attached to one end of the housing at their proximal ends, and an elongated cover plate pivotally attached to the opposite end of the housing. Each of the ancillary tools includes a slot formed transversely across the top and bottom edges thereof, adjacent their proximal ends. The cover plate includes a downwardly extending flange which engages one of the slots formed in each of the tools when positioned in its terminal closed position, thereby locking the tools in place. The cover plate further includes a protrusion formed on the inwardly facing surface of one of its sidewalls which engages an aperture formed through the corresponding sidewall of the housing when in either its terminal open or closed position, thereby locking the cover plate in such position.

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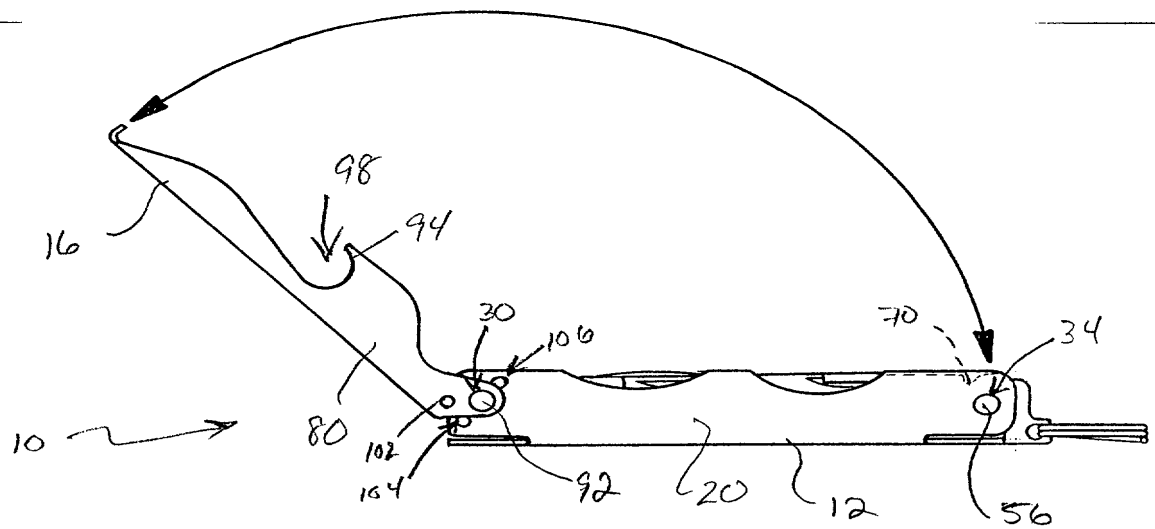


FIG. 1

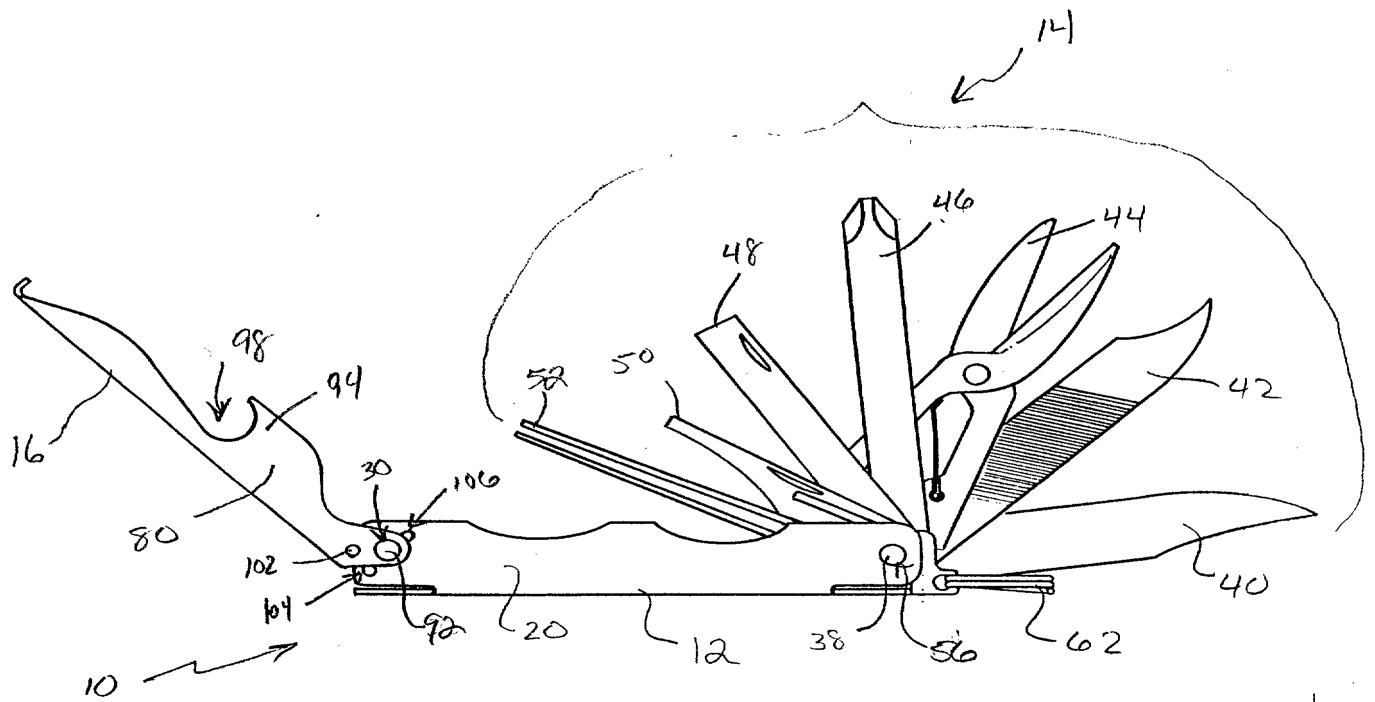


FIG. 2

0000458.010898

FIG. 3

10

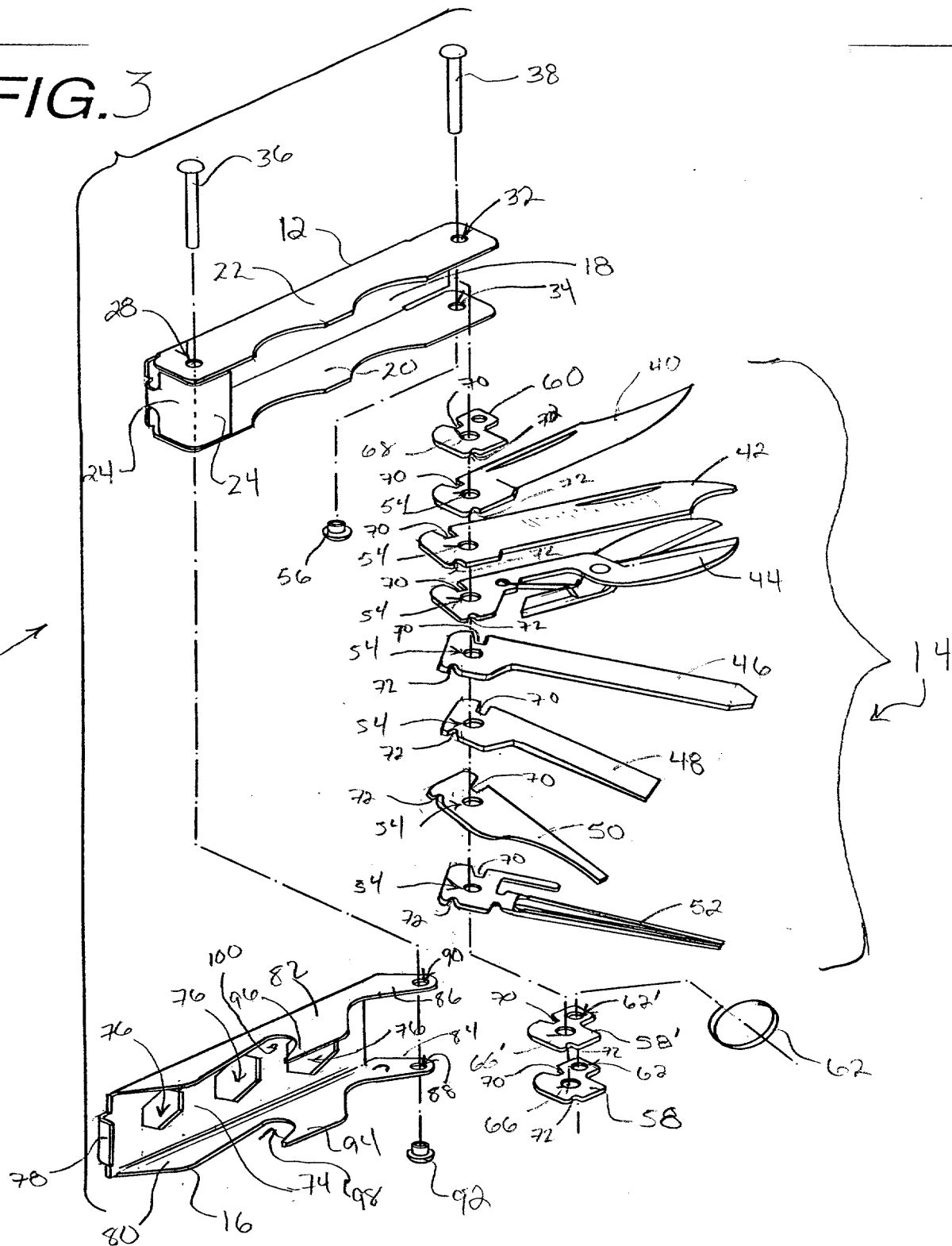


FIG. 4

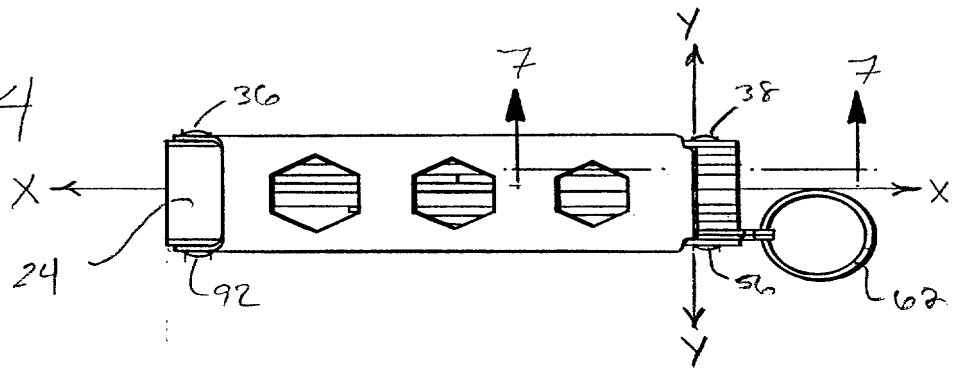


FIG. 5

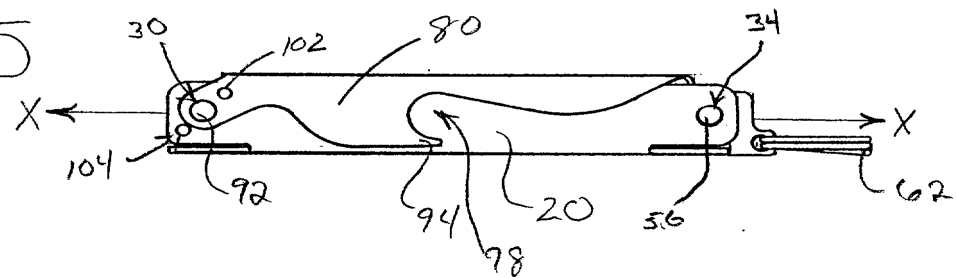


FIG. 6

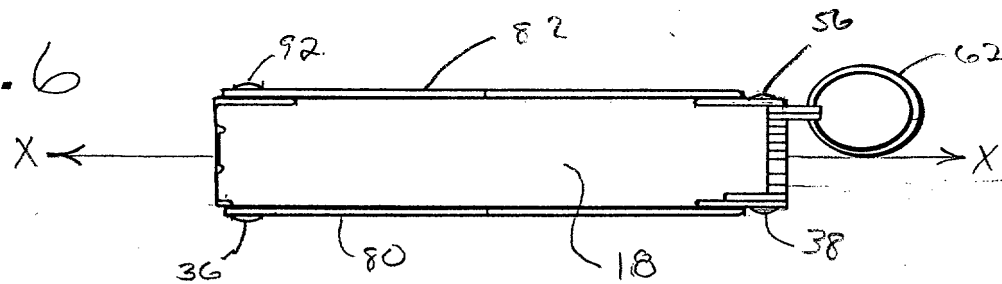
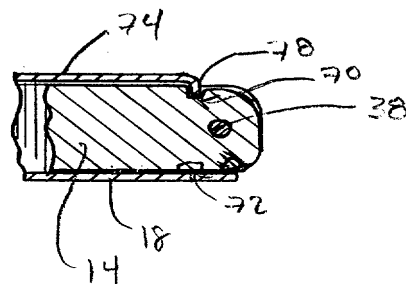


FIG. 7



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DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

☐ Customer Number

OR

☒ Registered practitioner(s) name/registration number listed below

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Name	Registration Number	Name	Registration Number
George R. McGuire	36,603	James R. Muldoon	38,249
Charles S. McGuire	20,385		

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: ☐ Customer Number OR ☒ Correspondence address below

Name	George R. McGuire				
Address	Hancock & Estabrook, LLP				
Address	1500 Mony Tower I-PO Box 4976				
City	Syracuse,	State	NY	ZIP	13221-4976
Country	USA	Telephone	315-471-3151 x392	Fax	315-471-3167

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])		Family Name or Surname			
David S.		Allen			
Inventor's Signature	<i>David S. Allen</i>			Date	1/7/98
Residence: City	New Hartford	State	NY	Country	USA
				Citizenship	USA
Post Office Address	27 Hoffman Road				
Post Office Address					
City		State		ZIP	
				Country	

☐ Additional inventors are being named on the _____ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

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ADDITIONAL INVENTOR(S)
Supplemental Sheet
Page 3 of 4

Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
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				Country		USA	
Post Office Address		301 Washington Drive					
Post Office Address							
City				State			
				ZIP			
				Country			
Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
Paul				Clifford			
Inventor's Signature		<i>Paul Clifford</i>				Date	
						1/7/98	
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				Country		USA	
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City				State			
				ZIP			
				Country			
Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle [if any])				Family Name or Surname			
Roy A.				Gonzalez			
Inventor's Signature		<i>Roy A. Gonzalez</i>				Date	
						1/7/98	
Residence: City		Westmoreland		State		NY	
				Country		USA	
Post Office Address		6256 Cooper Street					
Post Office Address							
City				State			
				ZIP			
				Country			

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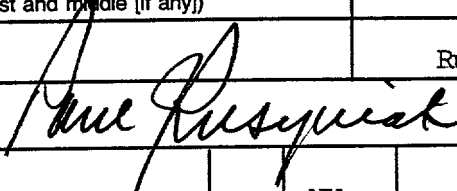
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DECLARATION

ADDITIONAL INVENTOR(S) Supplemental Sheet Page 4 of 4

Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A petition has been filed for this unsigned inventor				
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Paul J.				Rusyniak				
Inventor's Signature					Date		1/7/98	
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Post Office Address		6598 Seville Drive						
Post Office Address								
City			State		ZIP		Country	
Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name (first and middle [if any])				Family Name or Surname				
Inventor's Signature					Date			
Residence: City			State		Country		Citizenship	
Post Office Address								
Post Office Address								
City			State		ZIP		Country	
Name of Additional Joint Inventor, if any:				<input type="checkbox"/> A petition has been filed for this unsigned inventor				
Given Name (first and middle [if any])				Family Name or Surname				
Inventor's Signature					Date			
Residence: City			State		Country		Citizenship	
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VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(c))--SMALL BUSINESS CONCERN

Docket Number (Optional)

091775-7

Applicant or Patentee: David S. Allen, et al.
 Serial or Patent No.: _____
 Filed or Issued: _____
 Title: Multiple Purpose Pocket Tool

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☐ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN Utica Cutlery Company
 ADDRESS OF SMALL BUSINESS CONCERN 820 Noyes Street, P.O. Box 10527
Utica, New York 13503-1527

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☒ the specification filed herewith with title as listed above.
☐ the application identified above.
☐ the patent identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.
☐ each such person, concern or organization is listed below.

Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING David S. Allen

TITLE OF PERSON IF OTHER THAN OWNER Vice President

ADDRESS OF PERSON SIGNING 27 Hoffman Rd., New Hartford, NY

SIGNATURE David S. Allen DATE 1/7/98